

CLARKE COUNTY BOARD OF SUPERVISORS  
February 27, 2003 Continued Regular Meeting 11:00 am  
Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia continued from Tuesday, February 25, 2003, and reconvened on Thursday, February 27, 2003.

**Present:**

Chairman John Staelin, Vice Chairman Shenk, Supervisor Hobert and Supervisor Dunning.

**Also Present:**

David Ash, Tom Judge, Ben Butler, Jim Vickers, Ed Breslauer, Charles Johnston, Val Van Meter, and other citizens and members of the press.

**Call To Order:**

Chairman Staelin called the meeting to order at 11:02 am in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

**Adoption of Agenda:**

Chairman Staelin corrected Item No. 3 stating that the public hearing had been closed on Tuesday, February 25, 2003, and this was a continuation of the discussion. However, Jim Vickers, Greystone Properties, would be appearing before the Board to address the blasting ordinance. He further stated any others who had new information could also speak.

Supervisor Dunning indicated he may have something under miscellaneous.

**Supervisor Dunning moved to adopt the agenda as amended. The motion carried by the following vote:**

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

**Blasting Ordinance – Prospect Hill Spring**

At 11:08, Chairman Staelin asked Mr. Vickers to speak.

Jim Vickers, Chairman of Oakcrest Builders and part owner of Greystone Properties, appeared before the Board. He stated that from the period they entered the agreement in May of 2002 until closing in January 2003 detailed research had been done on the property. During this research, they had not heard of anything regarding potential damage to the spring. In February 2003, they heard for the first time about the concerns regarding blasting on the property. He wished the Board to know they, too, were concerned about the potential impact on residents at Boyce Crossing by any damage caused to the spring. He stated Greystone would work with the contractors to protect the spring. Mr. Vickers further stated Greystone had conducted meetings with the Town of Boyce. Development plans had been adapted

accordingly and provided some examples of the changes made at the request of the Town. He informed the Board that an arborist had been hired to help preserve the oak trees. They have restrictions on the builders requiring protection of the trees and placement of the home.

Chairman Staelin asked if anyone else had “new” information to add. When no one responded, Mr. Staelin let Mr. Dunning speak.

Supervisor Dunning, Board liaison to the Sanitary Authority, provided some background as to how the danger came to his attention. He indicated that the State had mandated a sand filter. Also, how he had come to notice the rock on the property in question. He put forth that it was Board’s responsibility to protect the spring and to set forth regulations. He further opined that he was equally worried about blasting on the roads in the recharge area. He stated dye tests have proven the water goes to all three springs in the area. He further explained that the regulations were to protect the developers, as well as the spring and the residents. Supervisor Dunning also put forth that both he and Charles Johnston worked with the Town of Boyce.

Vice Chairman Shenk thanked Mr. Vickers for his comments and expressed his desire to reach a middle ground. Supervisor Hobert opined that both individuals involved with Greystone have a good reputation. He further expressed that Mr. Butler had done a good job in presenting their concerns to the Board. He also stated he was supportive of development but the Board had a fiduciary concern to protect the spring. Chairman Staelin added that the County’s Comprehensive Plan details protection of the water supply, as well as the encouragement of growth around our towns.

Following discussion, **Supervisor Hobert moved that staff be given two weeks with our engineers and legal counsel to modify the proposed ordinance before us to:**

- 1. Reduce the “no” blasting area to a circle around the spring that is large enough to include the entire overlay protection district, and**
- 2. Implement specific rules for blasting in the remaining area described in the advertised ordinance. Such rules could include but are not limited to:**
  - **Mandatory testing requirements and design standards that would insure all development is located and arranged in such a way as to minimize the need for blasting.**
  - **Performance Standards, provision for record keeping and procedures for inspection and monitoring.**
  - **Rules requiring the developer to pay for the services of any engineer, to be selected by the governing jurisdiction, who would approve any blasting plan prior to its implementation and would be present onsite during any blasting to ensure the blasting plan is followed.**
  - **A requirement that a bond be posted to insure adequate compensation is available in case there are any immediate problems at the spring.**

**The motion was approved by the following vote:**

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Charles Johnston stated that there was a Planning meeting scheduled in the Town of Boyce for March 6, 2003. Chairman Staelin requested a status report from Mr. Johnston in a week. Supervisor Dunning explained that he was the Board liaison for the Town of Boyce, which also shares Charles Johnston, Planning Administrator.

Supervisor Hobert further moved that Pete Dunning, as our liaison to the Town of Boyce, work with Town officials to gather their input and support for any rules that might affect their jurisdiction.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Closed Session:

Vice Chairman Shenk moved to convene into closed session pursuant to Section §2.2.3711-A3 of the Code of Virginia, as amended, to discuss acquisition or sale of property.

The motion was approved as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Dunning moved to reconvene in open session. The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

Supervisor Dunning moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

**The motion was approved by the following roll-call vote:**

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

**To further discuss the proposed blasting ordinance in the Prospect Hill Spring Area, Supervisor Hobert moved to continue the meeting until March 13, 2003, at 4:30 pm.**

**The motion was approved by the following vote:**

Chairman Staelin	-	Aye
Vice Chairman Shenk	-	Aye
Supervisor Byrd	-	Absent
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye

**Next Meeting:**

The next meeting of the Board of Supervisors is set for March 13, 2003 at 4:30 pm in the Board of Supervisors Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia.

There being no further business to be brought before the Board, the Chairman adjourned the meeting at 11:56 am to reconvene on Thursday, March 13, 2003 at 4:30 pm.

ATTEST:

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John Staelin, Chairman

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David L. Ash, County Administrator